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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,129	06/30/2000	Evan F. Wies	IMM1P104	2148
34300	7590	02/02/2005	EXAMINER	
PATENT DEPARTMENT (51851)			VU, THONG H	
KILPATRICK STOCKTON LLP			ART UNIT	
1001 WEST FOURTH STREET			PAPER NUMBER	
WINSTON-SALEM, NC 27101			2142	

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application N . 09/608,129	Applicant(s) WIES ET AL.	
	Examiner Thong H Vu	Art Unit 2142	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attach.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 42-72.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 1/07/05.
10. ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 1/07/05 have been fully considered but they are not persuasive to overcome the prior art.
2. As per claim 46, applicant argues the prior art [Mitchell-Pollack] does not teach or suggest "the force information in a chat message, the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine"

Examiner points out the prior art taught "the present invention is intended to be incorporated in any application that renders a VWE, such as a game or a network chat room" [Mitchell col 5 lines 50 seq]. Mitchell taught an avatar with the sense force feedback effects [Mitchell col 7 lines 55, Fig 3- col 9 lines 49]. The prior art (Mitchell) teaches the object will be activated when the recipient open email or execute the embedded object. Thus, the skilled artisan would have motivation to modify the force information (force feedback) being configured (or sense) to cause (activate) the avatar's behavior (haptic sensation) in case a such command is detected [Mitchell col 9 lines 50 seq]. It was well-known in the electronic message art that an email carried an embedded object (i.e.: graphic, image, song, animation, an avatar's behavior, etc.). In same endeavor, Pollack taught an electronic message posted in chat room [Pollack, col 8 lines 5 seq] includes a delivery mechanism configured to deliver or update (i.e.: cause the sensation to be out put) the information [Pollack, col 3 lines 15 seq.]

3. Claims 42-72 are rejected under U.S.C. 103 by Mitchell-Pollack. Claims 56,62, 68 are rejected for the similar rationale set forth in claim 46.

4. As per claims 55 and 61, applicant argues the prior art does not teach or suggest “the force information in a chat message, the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine”.

Examiner points out the prior art taught “the present invention is intended to be incorporated in any application that renders a VWE, such as a game or a network chat room” [Mitchell col 5 lines 50 seq]. Mitchell taught an avatar with the sense force feedback effects [Mitchell col 7 lines 55, Fig 3- col 9 lines 49]. The prior art (Mitchell) teaches the object will be activated when the recipient open email or execute the embedded object. Thus, the skilled artisan would have motivation to modify the force information (force feedback) being configured (or sense) to cause (activate) the avatar’s behavior (haptic sensation) in case a such command is detected [Mitchell col 9 lines 50 seq]. It was well-known in the electronic message art that an email carried an embedded object (i.e.: graphic, image, song, animation, an avatar’s behavior, etc.). In same endeavor, Pollack taught an electronic message posted in chat room [Pollack, col 8 lines 5 seq] includes a delivery mechanism configured to deliver or update (i.e.: cause the sensation to be out put) the information [Pollack, col 3 lines 15 seq.]

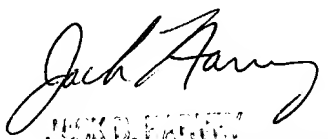
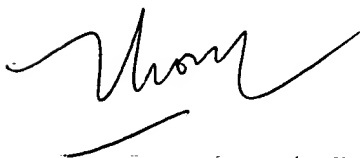
5. As per claims 46-72, applicant argues the prior art does not teach or suggest "the force information in a chat message, the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine".

Examiner points out the prior art (Mania) taught the Worlds Chat environment includes the software provides the custom avatars as force information in a chat message [Mania page 5, paragraph 4]. Mania also taught the physical touch carried haptic feedback [Mania page 5, the last paragraph]. However Mania does not explicitly indicates the messages (i.e.: email or chat message) carries the force cause haptic sensation initialized. Hachiya taught an email having parameters configured to determine a behavior or virtual agent (i.e.: avatar).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the technique of sending chat message or email message with force information or agent parameters configured to control output or behavior when the message delivered to client or virtual agent as taught by Hachiya into the Mania's apparatus in order to utilize the haptic feedback data and chat room environment. Doing so would provide the dynamically perform interaction on the chat room.

Thus, the rejection is sustained.

Thong Vu
Patent Examiner
Art Unit 2142



JACK D. FARNHAM
SUPERVISOR PATENT EXAMINER